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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/019,939      | 05/01/2002  | Jens Petter Hoili    | 3651-1001           | 8759             |

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EXAMINER

GRAHAM, CLEMENT B

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3628

DATE MAILED: 04/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/019,939

Applicant(s)

HOILI, JENS PETTER

Examiner

Clement B Graham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 8.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

**Claim Rejections - 35 USC § 103**

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-8, are rejected under 35 U.S.C. 103(a) as being unpatentable over Vatanen U.S. Patent No. 6,169,890 in view of Meads U.S. Patent No. 5,272,747.

As per claims 1-3, 6, Vatanen discloses a method for performing a payment transaction between a customer, a sales location and a payment operator, where the customer is equipped with a mobile communication unit, where the sales location is equipped with a payment terminal and where the payment operator is equipped with an operator system which is connected to a network which can communicate with the customer's mobile communication unit, which method comprises the following steps: a communication connection is established between the mobile communication unit and the payment terminal,

the payment terminal transfers data comprising information concerning the transaction via the communication connection to the mobile communication unit, characterized in that the mobile communication unit transfers data comprising information concerning the transaction via the network to the operator system.( Note

abstract and see column 7 lines 5-50 and column 8 lines 5-50). Vatanen also discloses the operator system registers data comprising information concerning the transaction for subsequent charging, invoicing or other settlement. (See column 3 lines 40-65 and column 4 lines 5-65). Vatanen do not explicitly teach wherein the data which are transferred via the communication connection from the payment terminal to the mobile communication unit and the data which are transferred via the network from the mobile communication unit to the operator system comprise data identifying the sales location and data representing the amount which has to be paid, and wherein the data identifying the sales location are received in advance by the payment terminal, the data having been broadcast through a local radio broadcasting system at the sales location. However Meads disclose wherein the data which are transferred via the communication connection from the payment terminal to the mobile communication unit and the data which are transferred via the network from the mobile communication unit to the operator system comprise data identifying the sales location and data representing the amount which has to be paid, and wherein the data identifying the sales location are received in advance by the payment terminal, the data having been broadcast through a local radio broadcasting system at the sales location.( See column 3 lines 5-65 and column 8 lines 35-55 and column 11 lines 10-65). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the teachings of Vatanen to include Meads in order to create a system for performing a payment transaction between a customer, a sales location and a payment operator, where the customer is equipped

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with a mobile communication unit, where the sales location is equipped with a payment terminal and where the payment operator is equipped with an operator system which is connected to a network which can communicate with the customer's mobile communication unit and the use of a pin number to authenticate a user would have required some form of registration . The benefit would have been for a company to provide its customers with a the feature of making payments for services via his/her mobile phone, and thereby attracting more customers to that company for its services offered, further creating a greater financial gain for that company .

As per claims 4-5, Vatanen and Meads do not explicitly teach a method according to claim 1, characterized in that the communication connection between the mobile communication unit and the payment terminal is established by an electrical connection through a communication port in the mobile communication unit or is established by an optical connection, preferably infrared transfer. It would have been obvious to one of ordinary skill in the art that the invention was made that regardless of the type of connection that was used in order to communicate data the functions are the same and the teachings of Vatanen modify to include Meads could have perform these functions. The benefit would have been to use various means of performing the communication connection.

As per claim 7, Vatanen discloses a system for performing a payment transaction between a customer, a sales location and a payment operator, comprising a mobile communication unit for the customer, a payment terminal for the sales location and an operator system. connected to a network which can communicate with the mobile communication unit, characterized by a communication connection between the

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mobile communication unit and the payment terminal. (See column 7 lines 5-50 and column 8 lines 5-50). Vatanen also discloses an electrical or optical communication port in the communication unit which is adapted to a corresponding communication port in the payment terminal and receiver equipment in the payment terminal. (See column 5 lines 55-60 and column 4 lines 5-50). Vatanen also discloses arranged for receiving an identification for the sales location broadcast from a radio transmitter provided locally at or near the sales location, allowing information comprising said identification to be transferred to the mobile communication unit via the communication connection. (See column 7 lines 5-50). Vatanen do not explicitly teach disclose wherein the data which are transferred via the communication connection from the payment terminal to the mobile communication unit and the data which are transferred via the network from the mobile communication unit to the operator system comprise data identifying the sales location and data representing the amount which has to be paid, and wherein the data identifying the sales location are received in advance by the payment terminal, the data having been broadcast through a local radio broadcasting system at the sales location. disclose wherein the data which are transferred via the communication connection from the payment terminal to the mobile communication unit and the data which are transferred via the network from the mobile communication unit to the operator system comprise data identifying the sales location and data representing the amount which has to be paid, and wherein the data identifying the sales location are received in advance by the payment terminal, the data having been broadcast through a local radio broadcasting system at the sales location. However Meads disclose wherein the data

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which are transferred via the communication connection from the payment terminal to the mobile communication unit and the data which are transferred via the network from the mobile communication unit to the operator system comprise data identifying the sales location and data representing the amount which has to be paid, and wherein the data identifying the sales location are received in advance by the payment terminal, the data having been broadcast through a local radio broadcasting system at the sales location. (See column 3 lines 5-65 and column 8 lines 35-55 and column 11 lines 10-65). It would have been obvious to one of ordinary skill in the art that the invention was made that regardless of the type of connection that was used order to communicate data, the functions are the same and the teachings of Vatanen modify to include Meads could have perform these functions. The benefit would have been to use various means of performing the communication connection.

As per claim 8, Vatanen discloses a system according to claim 7, characterized in that the mobile communication unit is a mobile telephone, and that the network comprises a mobile telephone network.(see column 4 lines 5-35). It would have been obvious to one of ordinary skill in the art at the time the invention was made the that teachings of Vatanen modify to include Meads could have perform the functions of a mobile communication unit being a mobile telephone, and that the network comprises a mobile telephone network. The benefit would have been to used a mobile telephone to communicate with a mobile telephone network.

#### Conclusion

3. The prior art of record and not relied upon is considered pertinent to Applicants disclosure.

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Miller et al (US Patent 5,202,825) teaches transaction control system including portable data terminal and mobile customer service station.

Miller et al (US Patent 5,031,098) teaches transaction control system including portable data terminal and mobile customer service station.

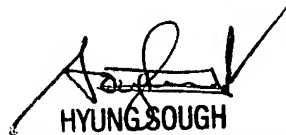
Joao et al (US Patent 5,878,337) teaches transaction security apparatus and method.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clement B Graham whose telephone number is 703-305-1874. The examiner can normally be reached on 7am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hyung S. Sough can be reached on 703-308-0505. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-0040 for regular communications and 703-305-0040 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CG  
March 04, 2003

  
HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600